

House File 754

H-1195

1 Amend House File 754 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 20.15, Code 2021, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **20.15 Elections.**

7 1. Upon the filing of a petition for certification of an
8 employee organization, the board shall submit a question to
9 the public employees at an election in the bargaining unit
10 found appropriate by the board. The question on the ballot
11 shall permit the public employees to vote for no bargaining
12 representation or for any employee organization which has
13 petitioned for certification or which has presented proof
14 satisfactory to the board of support of ten percent or more of
15 the public employees in the appropriate unit.

16 2. If a majority of the votes cast on the question is
17 for no bargaining representation, the public employees in
18 the bargaining unit found appropriate by the board shall not
19 be represented by an employee organization. If a majority
20 of the votes cast on the question is for a listed employee
21 organization, then that employee organization shall represent
22 the public employees in the bargaining unit found appropriate
23 by the board.

24 3. If none of the choices on the ballot receives the vote
25 of a majority of the public employees voting, the board shall
26 conduct a runoff election among the two choices receiving the
27 greatest number of votes.

28 4. Upon written objections filed by any party to the
29 election within ten days after notice of the results of
30 the election, if the board finds that misconduct or other
31 circumstances prevented the public employees eligible to
32 vote from freely expressing their preferences, the board may
33 invalidate the election and hold a second election for the
34 public employees.

35 5. Upon completion of a valid election in which the majority

1 choice of the employees voting is determined, the board shall
2 certify the results of the election and shall give reasonable
3 notice of the order to all employee organizations listed on the
4 ballot, the public employers, and the public employees in the
5 appropriate bargaining unit.

6 6. *a.* A petition for certification as exclusive bargaining
7 representative of a bargaining unit shall not be considered
8 by the board for a period of one year from the date of the
9 noncertification of an employee organization as the exclusive
10 bargaining representative of that bargaining unit following a
11 certification election. A petition for certification as the
12 exclusive bargaining representative of a bargaining unit shall
13 also not be considered by the board if the bargaining unit is
14 at that time represented by a certified exclusive bargaining
15 representative.

16 *b.* A petition for the decertification of the exclusive
17 bargaining representative of a bargaining unit shall not be
18 considered by the board for a period of one year from the date
19 of its certification, or within one year of its continued
20 certification following a decertification election, or during
21 the duration of a collective bargaining agreement which, for
22 purposes of this section, shall be deemed not to exceed two
23 years. However, if a petition for decertification is filed
24 during the duration of a collective bargaining agreement, the
25 board shall award an election under this section not more than
26 one hundred eighty days and not less than one hundred fifty
27 days prior to the expiration of the collective bargaining
28 agreement. If an employee organization is decertified, the
29 board may receive petitions under section 20.14, provided that
30 no such petition and no election conducted pursuant to such
31 petition within one year from decertification shall include as
32 a party the decertified employee organization.

33 7. A collective bargaining agreement with the state, its
34 boards, commissions, departments, and agencies shall be for two
35 years. The provisions of a collective bargaining agreement or

1 arbitrator's award affecting state employees shall not provide
2 for renegotiations which would require the refinancing of
3 salary and fringe benefits for the second year of the term of
4 the agreement, except as provided in section 20.17, subsection
5 6. The effective date of any such agreement shall be July 1 of
6 odd-numbered years, provided that if an exclusive bargaining
7 representative is certified on a date which will prevent the
8 negotiation of a collective bargaining agreement prior to
9 July 1 of odd-numbered years for a period of two years, the
10 certified collective bargaining representative may negotiate
11 a one-year contract with the public employer which shall be
12 effective from July 1 of the even-numbered year to July 1
13 of the succeeding odd-numbered year when new contracts shall
14 become effective.

15 Sec. 2. Section 22.7, subsection 69, Code 2021, is amended
16 to read as follows:

17 69. The evidence of public employee support for
18 the certification, ~~retention and recertification~~, or
19 decertification of an employee organization as defined in
20 section 20.3 that is submitted to the public employment
21 relations board as provided in [section 20.14](#) or [20.15](#).

22 Sec. 3. Section 22.7, subsection 70, Code 2021, is amended
23 to read as follows:

24 70. Information indicating whether a public employee
25 voted in a certification, ~~retention and recertification~~, or
26 decertification election held pursuant to [section 20.15](#) or
27 how the employee voted on any question on a ballot in such an
28 election.

29 Sec. 4. Section 602.1401, subsection 3, paragraph b, Code
30 2021, is amended to read as follows:

31 b. For purposes of [chapter 20](#), the certified representative,
32 which on July 1, 1983, represents employees who become judicial
33 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
34 remain the certified representative when the employees become
35 judicial branch employees and thereafter, unless the public

1 employee organization is ~~not retained and recertified or is~~
2 decertified in an election held under [section 20.15](#) or amended
3 or absorbed into another certified organization pursuant to
4 chapter 20. Collective bargaining negotiations shall be
5 conducted on a statewide basis and the certified employee
6 organizations which engage in bargaining shall negotiate on a
7 statewide basis, although bargaining units shall be organized
8 by judicial district. The public employment relations board
9 shall adopt rules pursuant to [chapter 17A](#) to implement this
10 subsection.

11 Sec. 5. DIRECTIVES TO PUBLIC EMPLOYMENT RELATIONS BOARD.

12 1. The public employment relations board shall cancel any
13 elections scheduled or in process pursuant to section 20.15,
14 subsection 2, Code 2021, as of the effective date of this Act.

15 2. Notwithstanding section 20.15, subsection 1, paragraph
16 "c", Code 2021, the public employment relations board
17 shall consider a petition for certification of an employee
18 organization as the exclusive representative of a bargaining
19 unit for which an employee organization was not retained and
20 recertified as the exclusive representative of that bargaining
21 unit regardless of the amount of time that has elapsed since
22 the retention and recertification election at which an employee
23 organization was not retained or recertified.

24 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
25 importance, takes effect upon enactment.

26 Sec. 7. APPLICABILITY. This Act applies to all elections
27 carried out pursuant to section 20.15 on and after the
28 effective date of this Act.>

29 2. Title page, by striking lines 1 and 2 and inserting <An
30 Act relating to employee organization elections administered by
31 the public employment relations board and including effective
32 date and applicability provisions.>

HUNTER of Polk